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BOXING MATCHES

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(For Full Text of Measure, See Page 14, Part II)

Analysis by the Legislative Counsel

This measure would repeal Section 413½ of the Penal Code, an initiative measure adopted in 1914. That section makes it a misdemeanor to participate in, hold, conduct, or attend boxing exhibitions held on Memorial Day (May 30) or Sundays. If adopted by the people, this measure would permit the holding of boxing exhibitions on those days.

Under Article IV, Section 1, of the California Constitution, an initiative act adopted by the people cannot be amended or repealed except by a vote of the electors, unless otherwise provided in the initiative act. No provision for amendment or repeal is contained in the 1914 initiative act.

Argument in Favor of Repeal of Initiative Measure

Vote "Yes" on Proposition No. 15 and protect your liberties.

America is the symbol of liberty to all men.

It is a country of religious liberty, not merely religious toleration. Every person is entitled to worship or not worship according to the dictates of his own conscience. This is guaranteed by the First Amendment to the Constitution.

Whenever the law undertakes to compel observances required only by a particular creed it becomes tyrannical and destructive of this fundamental principle of American liberty.

For the rights of the minorities are also guaranteed by the Constitution.

The imposition of a Sunday Law is a direct attack upon these guarantees.

Sunday is a day of worship for many persons, but not for all. There are substantial segments of the population who observe a day other than Sunday. There are those who observe no day. This is their right guaranteed by the Constitution.

The sponsors of this measure were surprised to find a Sunday "Blue Law" on the statutes of an enlightened state like California.

Lawmakers in many other states having Sunday Laws must have had their doubts as to their right to legislate on purely religious matters since they exempted those whose religious beliefs did not name Sunday as the Sabbath. The California Law sought to be repealed here does not grant exemptions for this purpose and imposes Sunday upon all.

The sponsors of this measure hold no brief for commercial boxing or wrestling and would support legislation outlawing the same on grounds of inhumaneness. But we cannot condone a law which prohibits on Sunday that which is lawful every other day.

We view such legislation as an opening wedge by those who would impose upon all the people laws

not dictated in behalf of the public health and safety but only by the religious beliefs of particular groups.

To permit the outlawing of some sports on Sunday simply leads to the prohibition of others to the end that no activity on Sunday other than going to the church of certain creeds would be permitted.

That this view is fact and not fantasy is established by the existence of Sunday laws in a few other states which prohibit hunting, cardplaying, moviegoing, baseball, basketball, football, hockey, golf, skating, ski activities, bowling, billiards, music concerts, dancing, and fishing.

The state has no more right to compel leisure than it would have to compel labor. Compulsory labor would be slavery. To attempt to legislate a day of leisure is no less a violation of human rights. And compulsory religious rest is religious tyranny.

A "Yes" vote on Proposition No. 15 upholds the Constitution and preserves religious liberty and the rights of all persons.

GEORGE MILLER, JR.
State Senator, Contra Costa County
STEPHEN P. TEALE
State Senator, Tuolumne, Calaveras
and Mariposa Counties

Argument Against Repeal of Initiative Measure

Constitutional recognition of the Sabbath as a day of worship and rest is a well established American tradition and attitude. Far from imposing any religious standard, it has taken the form of limiting certain activities on this day. These limitations have been imposed in many instances by the people themselves through proposals for and approval of constitutional provisions or through initiative measures, as is the case in California.

In recognition of changing conditions, certain of the limitations have been removed over the years. These, however, have been modifications largely in the interest of public health, safety or welfare rather than in the interests of commercialism or recreation.

The fact that certain other types of athletic exhibitions are not prohibited on Sunday provides no argument for amending the Constitution to legalize boxing on this day. In fact, to adopt this measure, on the sole basis that other athletic events are legal on Sunday, will go far toward eliminating any constitutional recognition of the Sabbath.

There is no evidence which has been submitted, or can be submitted, to demonstrate that the status of boxing is impaired by the absence of authority to exhibit on Sunday, or that the health, safety or general welfare of the State requires that authorization be given.

As a practical matter, boxing has developed as an evening event. To justify the legalization of Sunday boxing on the basis that additional revenue would accrue to the State or that additional profits would be made, is to ignore the experience of other states and to place an unwarranted value on the sport. California, even under Sunday closing, leads all

other states in the number of boxing and wrestling events held annually. Moreover, of the six states which lead in this activity, five still retain Sunday closing provisions.

JAMES A. COBEY
State Senator, 24th Senatorial District

TAXATION OF SCHOOL PROPERTY OF RELIGIOUS AND OTHER NONPROFIT ORGANIZATIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.

16

Amends Section 1c of Article XIII of the State Constitution by providing that the property authorized by said section to be exempted from taxation shall not include any property used or owned, directly or indirectly, in whole or in part, for any religious or other school or school purposes of less than collegiate grade, unless such property shall be used, owned and held exclusively for the blind, mentally retarded or physically handicapped. Does not affect exemptions granted by other sections of the Constitution.

YES	
NO	

(For Full Text of Measure, See Page 15, Part II)

Analysis by the Legislative Counsel

This initiative measure would amend Section 1c of Article XIII of the California Constitution, which authorizes the "welfare exemption." As added to the Constitution in 1944, Section 1c authorized the Legislature to exempt from real property taxation property used exclusively for religious, hospital, scientific, or charitable purposes. In 1952 the electors approved Chapter 242 of the Statutes of 1951, which extended this welfare exemption to the property of private schools of less than collegiate grade. (See Revenue and Taxation Code, Sec. 214; upheld in *Lundberg v. County ofameda* (1956), 46 Cal. 2d 644, appeal dismissed (1956), 352 U. S. 921.)

This initiative constitutional amendment would restrict the welfare exemption by eliminating from the class of property to which Section 1c applies the property of private schools of less than collegiate grade. It would thus eliminate the tax exemption for such property presently available under Sections 214 and 214.5 of the Revenue and Taxation Code.

The amendment would not affect tax exemptions for property used, held and owned exclusively for handicapped persons, nor would it modify any current exemption granted directly by the Constitution, including the exemptions now extended to the property of public schools, colleges, churches, orphan asylums and veterans.

Argument in Favor of Initiative Proposition No. 16

VOTE YES ON PROPOSITION 16! Will repeal exemption of undercollegiate private school property. Over 90% are schools under religious control. One sect has 90% more attendance than all the rest combined.

VOTE YES! STOP VIOLATION OF AMERICAN SEPARATION BETWEEN CHURCH AND STATE. Tax exemption is an indirect public subsidy. Parochial schools teach sectarian doctrine; and, one sect at least, opposition to church-state separation. Its high school book, "Living Our Faith," teaches its students:

"THE CHURCH IN THE UNITED STATES: In this country the church has flourished to such a degree that we may be inclined to think that separation is a satisfactory and workable plan. The Church holds that this is still a compromise and that the condition is the lesser of two evils." (Page 247.)

VOTE YES! STOP DIVERSION OF PUBLIC FUNDS TO PRIVATE PURPOSES. Parochial schools, as so-called non-profit organizations, have private, not public, purposes. The parochial book teaches:

"**COUNTERFEIT RELIGIONS:** The material, size, and shape of the paper and metal money in the United States is determined and authorized by the government. No other money is legal tender, and any other agency issuing such money is guilty of counterfeiting. In the same way, non-Catholic methods of worshipping God must be branded counterfeit." (Page 112.)

VOTE YES! STOP SUICIDE OF PUBLIC SCHOOL SYSTEM. If one sect does not get the monopoly it seeks, then each of 256 American sects would start its own school. End result would divide our children and cripple the symbol of our democracy—your public schools.

The parochial book teaches opposition to public schools and demands monopoly for its sect on all education!

"The Church is opposed to attendance at non-Catholic schools . . ." (Page 55.)

"In the words of Pope Pius XI: 'It is evident that both by right and in fact the mission to educate . . . belongs to the Church.' " (Page 237.)

VOTE YES! REPEAL OBNOXIOUS LAW. It provides no public control over parochial schools; no provision against teaching sectarian doctrines or using sectarian books; no uniform application; no limitation of exemption possible; no requirement that sects or schools reveal resources or need. The people never enacted law as such. It was engrafted by implication in Courts, reversing California's one hundred year policy against such

pal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may, but need not, classify the counties by population or other factors. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Sections 7½, 7½a and 8½ of this article, relating to county or city and county charters. That certain act entitled "An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its Fiftieth Session,

is hereby validated and made fully and completely effective.

The compensation term of any county, township or municipal officer shall not be increased at his election or during his term of office, nor the term of any such officer be extended beyond the period for which he was elected or appointed.

The Legislature by a two-thirds vote of the members of each House may suspend the provision hereof prohibiting the increase of compensation of any county, township or municipal officer after his election or during his term of office for any period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

BOXING MATCHES. Repeal of Initiative. Repeals Penal Code Section 413½, which now prohibits boxing exhibitions on Sunday and Memorial Day.

15

YES	
NO	

(This proposed law expressly repeals an existing section of the Penal Code; therefore **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**.)

PROPOSED LAW

An act to repeal Section 413½ of the Penal Code, as amended by initiative measure adopted November 3, 1914, and to repeal Section 18730 of the Business and Professions Code, relating to the holding, conducting, participating in, or being present as a spectator, of specified sporting exhibitions or motion picture exhibitions held on Memorial Day or on Sundays, the repeal of Section 413½ of the Penal Code to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

The people of the State of California do enact as follows:

Section 1. Section 413½ of the Penal Code, as amended by initiative measure adopted November 3, 1914, is repealed.

413½. Any person or persons holding, or conducting, or participating in, or present as a spectator, at any boxing exhibition held on Memorial

Day, May 30, or on Sundays, shall be guilty misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sec. 2. Section 1 of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

Sec. 3. Section 1 of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any state-wide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Section 1 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.